

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT DIVISION)

PURE WATER COMMITTEE OF
WESTERN MARYLAND, INC., et al

Plaintiff

Vs.

MAYOR AND CITY COUNCIL OF
CUMBERLAND, MARYLAND, et al

Defendants

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CASE NO. JFM 01 CV 2611

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REPLY OF DEFENDANTS,
MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND
AND EVITTS CREEK WATER COMPANY, INC. TO PLAINTIFF'S
RESPONSE TO MOTION FOR SUMMARY JUDGMENT

NOW COMES, the Mayor and City Council of Cumberland, Maryland, and Evitts Creek Water Company, Inc., Defendants, by H. Jack Price, Jr., City Solicitor, and in reply to Plaintiff's Response to Motion for Summary Judgment states as follows:

1. That Defendants would admit that there exists a dispute between the parties as to the points raised in Paragraph one of Plaintiff's response, but that such disputes are with respect to matters of law, not with respect to any matter of material fact.

WHEREFORE, Defendants respectfully request:

- a. That their Motion for Summary Judgment previously filed in this proceeding be granted;
- b. That Plaintiff's Complaint be dismissed; and
- c. That they be awarded such other and further relief as the nature of their cause might require.

H. Jack Price, Jr.
City Solicitor
Federal Bar No. 01510
61 Greene Street
Cumberland, MD 21502
(301) 724-5040

I HEREBY CERTIFY, this _____ day of July, 2003, a copy of the foregoing document was mailed, postage prepaid, to William J. Trozzo, Esquire, and Terri Ann Lowery, Esquire, Trozzo, Lowery & Weston, 75 Greene Street, Cumberland, MD 21502 and Jeffrey Getty, 21 Prospect Square, Cumberland, MD 21502; Stephen C. Wilkinson, Esquire, 220 Washington Street, Cumberland, MD 21502; and Edward C Crossland, Esquire, 1 Washington Street, Cumberland, MD 21502.

H. Jack Price, Jr.